

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CRYSTALLEX INTERNATIONAL CORP.,  Plaintiff,  v.  BOLIVARIAN REPUBLIC OF VENEZUELA,  Defendant.	Misc. No. 17-151-LPS
OSTRIDER LIMITED,  Petitioner/Plaintiff,  v.  PDVSA PETROLEO S.A.,  Respondent/Defendant.	C.A. No. 23-1405-LPS
UML BLANDFORD LIMITED,  Petitioner/Plaintiff,  v.  PDVSA PETROLEO S.A.,  Respondent/Defendant.	C.A. No. 23-1406-LPS

UNION GLORY LIMITED,  Petitioner/Plaintiff,  v.  PDVSA PETROLEO S.A.,  Respondent/Defendant.	C.A. No. 23-1407-LPS
CLION LIMITED,  Petitioner/Plaintiff,  v.  PDVSA PETROLEO S.A.,  Respondent/Defendant.	C.A. No. 23-1408-LPS
CLION LIMITED,  Petitioner/Plaintiff,  v.  PDVSA PETROLEO S.A.,  Respondent/Defendant.	C.A. No. 23-1409-LPS

### **MEMORANDUM ORDER**

**WHEREAS**, on December 12, 2023, the petitioners/plaintiffs in C.A. Nos. 23-1405, 23-1406, 23-1407, 23-1408, 23-1409 (“Petitioners/Plaintiffs”) filed letters, purporting to be Attached Judgment Statements,<sup>1</sup> on the docket of *Crystallex International Corp. v. Bolivarian*

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<sup>1</sup> Capitalized terms not otherwise defined have the meaning ascribed to them in the Sixth Revised Proposed Order (A) Establishing Sale and Bidding Procedures, (B) Approving Special

*Republic of Venezuela* (the “*Crystallex* Action”) (Misc. No. 17-151 D.I. 794, 795, 796, 797, 798).

**WHEREAS**, Petitioners/Plaintiffs stated that the letters were filed “[i]n accordance with,” among other things, “Special Master Pincus’ letter dated August 7, 2023 ([Misc. No. 17-151] D.I. 652), [and] the Court’s oral order of August 8, 2023 ([Misc. No. 17-151] D.I. 654).” (*E.g.*, Misc. No. 17-151 D.I. 794 at 1) The deadline for filing an Attached Judgment Statement, however, was nearly four months earlier: August 14, 2023. (*See* Misc. No. 17-151 D.I. 652 at 2) (“Any Judgment Holder is hereby requested to file a statement, not to exceed five (5) pages in length, on the Court’s docket by Monday, August 14, 2023.”)

**WHEREAS**, Petitioners/Plaintiffs have not sought an extension to file their Attached Judgment Statements.

**WHEREAS**, on December 18, 2023, the Special Master appointed in the *Crystallex* Action, Mr. Pincus, filed a letter regarding the Steps Chart, in which he stated that “[t]he UK Arbitration Creditors [i.e., Petitioners/Plaintiffs] first received arbitration awards on April 13, 2023 and did not file their respective judgment statements until December 12, 2023 – approximately four (4) months after the deadline set in the Judgment Statement Letter.” (Misc. No. 17-151 D.I. 803 at 2) Hence, the Special Master has not included the judgments held by Petitioners/Plaintiffs on the Steps Chart. (*See id.*)

**WHEREAS**, on January 5, 2024, the Court ordered Petitioners/Plaintiffs to show cause, by filing a letter no later than January 12, 2024, as to why the Court should not strike their Attached Judgment Statements as untimely. (*See, e.g.*, C.A. No. 23-1405 D.I. 10 at 4) The Court also ordered that the respondent/defendant in C.A. Nos. 23-1405, 23-1406, 23-1407, 23-1408,

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Master’s Report and Recommendation Regarding Proposed Sale Procedures Order, (C) Affirming Retention of Evercore as Investment Banker by Special Master and (D) Regarding Related Matters (Misc. No. 17-151 D.I. 481) (“Sale Procedures Order”).

23-1409, PDVSA Petroleo S.A. (“PDVSA S.A.”), may file a response to Petitioners/Plaintiffs’ letters no later than January 16, 2024. (*Id.* at 4-5) The Court further ordered that the Special Master may address the issues raised in the order to show cause by filing a letter no later than January 17, 2024. (*Id.* at 5)

**WHEREAS**, on January 11, 2024, Petitioners/Plaintiffs filed motions for extension of “Step 5 and related deadlines,” seeking to extend the Step 5 deadline (*see* Misc. No. 17-151 D.I. 646 at 5) from January 12, 2024 to February 13, 2024. (Misc. No. 17-151 D.I. 849 at 5; *see also*, *e.g.*, C.A. No. 23-1405 D.I. 13 at 5)<sup>2</sup>

**WHEREAS**, also on January 11, 2024, Petitioners/Plaintiffs filed motions for “conditional” writs of attachment *feri facias* against the shares of PDV Holding, Inc. (“PDVH”) owned by Petróleos de Venezuela, S.A. (“PDVSA”). (*See, e.g.*, C.A. No. 23-1405 D.I. 15)

**WHEREAS**, on January 12, 2024, Petitioners/Plaintiffs filed a letter in response to the January 5 order to show cause, in which Petitioners/Plaintiffs argued that striking the Attached Judgment Statements would not be “necessary or warranted.” (*E.g.*, C.A. No. 23-1405 D.I. 18 at 3) Petitioners/Plaintiffs also indicated that they had proposed to the Special Master that they would “withdraw the December 12 letter, if the Court or Special Master Pincus prefers, without prejudice to seek leave to resubmit a statement should the Court enter judgments on the Petitions [(*see, e.g.*, C.A. No. 23-1405 D.I. 1)] and extend the relevant deadline.” (*E.g.*, C.A. No. 23-1405 D.I. 18 at 3)

**WHEREAS**, PDVSA S.A. did not file a response by January 16, 2024.

**WHEREAS**, the Special Master did not file a letter by January 17, 2024.

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<sup>2</sup> Substantively identical documents have been filed in C.A. Nos. 23-1405, 23-1406, 23-1407, 23-1408, and 23-1409.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that:

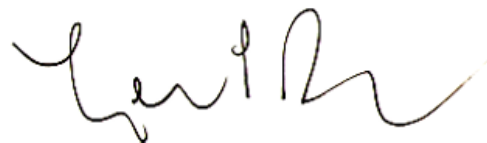
1. The Special Master appointed in the *Crystallex* Action **SHALL** file a letter (not to exceed 5 pages) no later than **6:00 p.m. on Saturday, January 20, 2024**, advising the Court of his position(s) regarding: (1) Petitioners/Plaintiffs' motions for extension of "Step 5 and related deadlines" (*see, e.g.*, Misc. No. 17-151 D.I. 849); (2) the issues relating to Attached Judgment Statements raised in the January 12, 2024 letter filed by Petitioners/Plaintiffs (*see, e.g.*, C.A. No. 23-1405 D.I. 18); and (3) any other issues relating to Petitioners/Plaintiffs' actions on which the Special Master wishes to be heard.

2. Any Sale Process Party who wishes to respond to Petitioners/Plaintiffs' motions for extension of "Step 5 and related deadlines" (*see, e.g.*, Misc. No. 17-151 D.I. 849) may file a letter (not to exceed 3 pages) no later than **6:00 p.m. on Saturday, January 20, 2024**.

3. PDVSA S.A. may file a letter (not to exceed 3 pages) no later than **6:00 p.m. on Saturday, January 20, 2024** responding to Petitioners/Plaintiffs' motions for extension of "Step 5 and related deadlines" (*see, e.g.*, C.A. No. 23-1405 D.I. 13).

4. Petitioners/Plaintiffs may file a reply letter (not to exceed 3 pages) no later than **11:00 a.m. on Monday, January 22, 2024**.

January 18, 2024  
Wilmington, Delaware



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HONORABLE LEONARD P. STARK  
UNITED STATES DISTRICT COURT